IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. 1354 of 2006
DATE OF DECISION : 09.03.2007

Ranbir Kaur

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

Crl. Revn. 1923 of 2006
DATE OF DECISION : 09.03.2007

Gurbachan Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. K.S. Ahluwalia, Senior Advocate, with
Mr. Vikas Gupta, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

This order shall dispose of two Criminal Revision petitions bearing No. 1354 of 2006 and 1923 of 2006, filed by Ranbir Kaur and Gurbachan Singh, respectively, for setting aside the order dated 6.6.2006, passed by Additional Sessions Judge, Patiala, whereby on the application of the prosecution, both the petitioners have been summoned under Section 319 Cr.P.C., as additional accused to face trial in case FIR No. 97 dated 11.4.2005 registered at Police Station Samana under Section 306 IPC along with accused Sadhu Singh.

2. I have heard counsel for the parties and gone through the contents of impugned order.

3. In this case, Harjinder Kaur and her two daughters, namely Mandeep Kaur and Nirlep Kaur, allegedly committed suicide. On the complaint of Ran Singh, brother of the deceased Harjinder Kaur, the aforesaid FIR was registered, in which it was alleged that these three women committed suicide on the abetment and encitment of accused Sadhu Singh and the petitioners on account of depriving them from the ancestral property. Harjinder Kaur is the widowed daughter-in-law of Sadhu Singh. After the death of Suraj Bhan Singh, husband of deceased Harjinder Kaur, there was a dispute in the family regarding the ancestral property. In the FIR and the supplementary statement, specific allegations of harassment and abetment have been levelled against Sadhu Singh and petitioners, namely, Ranbir Kaur and Gurbachan Singh, but after investigation, challan was filed only against Sadhu Singh and both the petitioners were found innocent. Subsequently, on the statement of complainant Ran Singh in the court, the petitioners have been summoned under Section 319 Cr.P.C. to face trial along with Sadhu Singh, as the trial court has come to the conclusion that sufficient evidence is available on the record, which indicate the involvement of the petitioners in the alleged offence.

4. Counsel for the petitioners submits that the allegations levelled against the petitioners are not sufficient for summoning the petitioners to face trial under Section 306 IPC. While referring to a decision of the Supreme Court in ***Sanju alias Sanjay Singh Sengar*** v. ***State of Madhya Pradesh,*** 2002 (2) RCR (Criminal) 687, he further contends that there is no material/evidence which indicate that the petitioners were responsible for any sort of abetment or encitment for the death of aforesaid three women.

5. After hearing counsel for the parties and going through the contents of the FIR, supplementary statement of the complainant, statement made by her in the court as well as impugned order, I do not find any ground to interfere in the impugned order in exercise of the revisional power of this court. From the perusal of the statement of complainant Ran Singh made before the police as well as before the court, it is clear that he

has specifically stated regarding criminal conspiracy hatched by all the accused and specific part played by them, which resulted into the death of three women. From the statements, it is clear that all the accused created the circumstances, which compelled Harjinder Kaur and her two daughters, namely Mandeep Kaur and Nirlep Kaur to commit suicide. However, as far as the question as to whether the evidence available on record is sufficient for framing of charge against the accused under Section 306 IPC or not, the same will be considered and decided by the trial court at the time of framing of charge, but at this stage, prima facie evidence is available on the record, which fully justify the summoning of the petitioners as additional accused under Section 319 Cr.P.C.

8. Dismissed.

March 09, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**